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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/588,190 | 06/07/2000 | Yoshiaki Shiota | 067183/0186 | 8859 |

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| EXAMINER | |
|---|---|
| PUENTE, EMERSON C | |
| **ART UNIT** | **PAPER NUMBER** |
| 2113 | |

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/588,190 | SHIOTA, YOSHIAKI | |
| | Examiner | Art Unit | |
| | Emerson C Puente | 2113 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11 June 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 9 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

## DETAILED ACTION

Claim 9 has been examined.

This action is made **FINAL**

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 9 is rejected under 35 U.S.C. § **103(a)** as being unpatentable over Simone in further view of Japanese Patent No. 02226432 of Nakamura and Japanese Patent No. 01311792 of Fukada.

In regards to claim 9, Simone discloses a fault management system for a switching equipment (see column 2 lines 58-62) which includes a circuit section to an external terminal equipment over a communication circuit, a switch section for communicating data with said circuit section, and a processor (see figure 1 item 14 and column 2 lines 60-65) for performing setting and control of said circuit section, protocol processing of a transmission/reception packet and other necessary processing over a processing bus, comprising:

a fault detection section. Simone states a reset occur for any one of a variety of software and hardware faults (see column 4 lines 7-8)

a concentrated fault management section connected to said processor bus for a supervising the normality of said processor bus and signaling, if a fault notification is received, a reset signal to said processor and said circuit section so that data in a data link layer or an upper layer may not flow. Simone discloses an internal bus and further states a variety of software and hardware faults, such as a bus error, causes a shut down routine, indicating supervising the normality of the processor bus and signaling. Furthermore, the shutdown routine would result in a reset, indicating a reset signal to said processor and said circuit section so that data in a data link layer or an upper layer may not flow from said processor or said circuit section.

issuing a notification of occurrence of a fault to a central control section connected to an external console. Simone states the compressed core file can be accessed through a device (or external console) coupled to auxiliary port (see column 5 lines 34-37). The auxiliary port may constitute as a central control section because applicant discloses the central control section as being connected to external console and sending notification to the console when a fault occurs, which the auxiliary port does. The sending of the core compress file constitutes a notification of occurrence of a fault. If compress file was not received, no fault would of occurred.

However, Simone fails to disclose:

a clock fault detection section for detecting whether or not supply of a clock signal from an oscillator for supplying the clock signal to said processor is interrupted, and

continuously signal a reset signal.

Nakamura discloses a clock fault detection circuit, which detects abnormalities or interrupts in a clock supplied from a clock distribution circuit to processors through a clock

signal (see abstract), indicating a clock fault detection section for detecting whether or not supply of a clock signal from an oscillator for supplying the clock signal to said processor is interrupted.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Simone to include a clock fault detection section, which detects whether or not supply of a clock signal of an oscillator which supplies the clock signal to said processor is interrupted, as per teaching of Nakamura. A person of ordinary skill in the art would have been motivated to make the modification to Simone because Simone discloses resets occur for any one of a variety of software and hardware faults, and clock faults constitute has software and hardware faults and having clock fault detection section, would indicate faults as a result of interrupts in clock signal to processor.

Furthermore, Fukada discloses transmitting a continuous signal, which causes the CPU to restart, indicating continuously signaling a reset signal (see abstract)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching of Simone to continuously signal a reset signal. A person of ordinary skill in the art would have been motivated to make the modification to Simone because Simone discloses resetting for any one of a variety of hardware and software faults, and continuously signaling a reset, as per teaching of Fukada, would assure resetting or shutdown to occur.

## *Response to Arguments*

Applicant's arguments filed October 24, 2003 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that argues: "Fukuda is silent regarding a means for or a method of issuing a notification of occurrence of a fault in the control object apparatus to the external supervising apparatus.

It seems that the examiner misunderstands the wording of continuous signaling.

In Fukuda (.TP01-31 1792), the control object apparatus determines resetting if, for example, "1" successively appears twice in the data pattern for remotely resetting or remotely restarting the control object apparatus from the external supervising apparatus, and this does not mean continuation of resetting.

In the invention of the present application, the wording of continuous signaling simply means "continuation" of resetting of the processor," examiner respectfully disagrees.

The claimed limitation states continuously signaling a reset signal. Fukada discloses a continuous signal generator to reset/restart computer (see abstract), thus indicating continuously signaling a reset signal. *The limitation "continuation of resetting" is not claimed.* Argument is moot. Examiner maintains his rejection.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to combine the teaching of Simone and Nakamura to include a clock fault detection section, which detects whether or not supply of a

clock signal of an oscillator which supplies the clock signal to said processor is interrupted because Simone discloses resets occur for any one of a variety of software and hardware faults, and clock faults constitute has software and hardware faults and having clock fault detection section, would indicate faults as a result of interrupts in clock signal to processor. Furthermore, it would have been obvious to combine the teaching of Simone and Nakamura and Fukada to continuously signal a reset signal because Simone discloses resetting for any one of a variety of hardware and software faults, and continuously signaling a reset, as per teaching of Fukada, would assure resetting or shutdown to occur. Examiner maintains his rejection.

## *Conclusion*

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C Puente whose telephone number is (703) 305-8012.

The examiner can normally be reached on 8-5 M-F. The examiner will be moving in October 13, 2004. The examiner number at the new site is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

***Emerson Puente***
***9/1/04***

ROBERT BEAUSOLIEL
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